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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,870	11/09/1999	SHIGERU YOSHINO	450100-02164	7248

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NEW YORK, NY 10151

EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
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2615

8

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/436,870

Applicant(s)
Yoshino et al

Examiner
Christopher O. Onuaku

Art Unit
2615



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 10, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2615

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/10/03 have been fully considered but they are not persuasive.

With respect to claims 1-3&10-12, applicant argues that Morioka is not equipped to receive externally supplied bit map data (text data) from a network or memory card for superimposition with audio/video data. In response see col.1, lines 8-13, and col.9, lines 45-50, wherein Morioka discloses establishing a network connected with an external system, and wherein Morioka further discloses overlaying text data on a monitor. Additionally, the Morioka bit map (text data) is generated externally at the time the video and audio data are generated.

Applicant argues that Ethernet as disclosed by Morioka relates the use of the Ethernet network to enable the user to transmit hybrid data already formed in the apparatus, not to receive bit map. In response, more correctly, Morioka discloses that a network I/F card conformable to ATM transmission standard or Ethernet transmission standard can be further connected to the PCI bus 1003 in order to connect the system to a server so that video and audio data and file exchange (e.g., text data) and the like can be processed at high speed.

Applicant argues that floppy disk does not rise to the level of a memory card because a memory card does not require mechanical movement whereas a floppy disk does and that floppy disk in Morioka is only mentioned as a possible replacement for the HDD. In response, examiner

Art Unit: 2615

reads a memory card as a removable storage medium which a floppy disk is. There is nothing in the limitation that cites any additional attributes for the memory card.

With respect to claims 7-9,16-18&20, applicant argues that there is no externally supplied setting data in Morioka system, that even if Morioka's edit processing results in change of settings, this does not amount to any reception of externally supplied setting data. Rather, the setting data used for editing is generated internally by Morioka's editing processing means.

In response, Morioka discloses that a second interface unit for adding editing control information for the tape recording/reproducing unit or the disk recording/reproducing unit to data output from the first interface (see col.5, lines 17-22). Here, Morioka discloses that the setting data (the added editing control information) required a second interface unit. This indicates that the editing control information is received externally through a second interface.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2615

3. Claims 1,3,7,9,12,16&18 are rejected under 35 U.S.C. 102(e) as being anticipated by Morioka et al (US 6,324,334).

Regarding claim 1, Morioka et al discloses an apparatus for recording and reproducing data representing video, data representing sound, and other auxiliary data onto/from a disk medium, a tape medium, or a recording/reproducing apparatus which can effectively perform an editing operation and establish a network connected with an external system, comprising:

a) a recording medium (see Fig. 1, and data recording HDD 8) which can be accessed at random and plurality input/output processing means (see Fig. 1, SCSI-I/F 7, DVC MOVIE camera 11 including DVC CODEC 10 and DVC/PCI I/F 6 and PCI bus 5) for processing input data including video and/or audio data and outputting and recording them in the recording medium and for processing and outputting data reproduced from the reproducing medium (see col.6, line 63 to col.7, line 6);

b) interface means for receiving bit map data externally supplied from a network or memory card (see Fig. 1, SCSI-I/F 7 and DVC/PCI I/F 6; auxiliary/text data which is mixed-in with the video and sound signals to make up the hybrid data signal; col.7, lines 41 to col.8, line 44), here examiner reads bitmap as text data;

c) superimposing processing means for superimposing the bit map data received by the interface means upon the data output from the recording medium or the input data (see col.9, lines 45-50).

Art Unit: 2615

Regarding claim 3, Morioka discloses wherein the bit map data is recorded in a detachable memory card and the bit map data recorded in the memory card is received by inserting the memory card into the interface means (see floppy disk drive apparatus which is detachable memory means; col.22, lines 59-65).

Regarding claim 7, Morioka et al discloses an apparatus for recording and reproducing data representing video, data representing sound, and other auxiliary data onto/from a disk medium, a tape medium, or a recording/reproducing apparatus which can effectively perform an editing operation and establish a network connected with an external system, comprising:

a) a recording medium (see Fig. 1, and data recording HDD 8) which can be accessed at random and plurality input/output processing means (see Fig. 1, SCSI-I/F 7, DVC MOVIE camera 11 including DVC CODEC 10 and DVC/PCI I/F 6 and PCI bus 5) for processing input data including video and/or audio data and outputting and recording them in the recording medium and for processing and outputting data reproduced from the reproducing medium (see col.6, line 63 to col.7, line 6);

b) interface means for receiving externally supplied setting data which is used to set at least one of the plural input/out processing means (see Fig. 1, SCSI-I/F 7 and DVC/PCI I/F 6; auxiliary/text data which is mixed-in with the video and sound signals to make up the hybrid data signal; col.7, lines 16-50), here examiner reads setting data as bit map data;

Art Unit: 2615

c) setting changing means for changing settings corresponding to the at least one input/output processing means based on the setting data received by the interface means (see the editing processing of video/audio based on the audio/video data information; col.19, line 37 to col.20, line 11, and col.20, line 45 to col.21, line 32), here examiner reads the setting changing means as the edit processing means.

Regarding claim 9, Morioka discloses wherein the setting data is recorded in a detachable memory card and the setting data recorded in the memory card is received by inserting the memory card into the interface means (see floppy disk drive apparatus which is detachable memory means; col.22, lines 59-65).

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claim 1 above.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 3 above.

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claim 7 above.

Art Unit: 2615

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 9 above.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4,6,13,15&20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morioka et al in view of Takahisa (US 5,564,073).

Regarding claim 4, Morioka et al discloses an apparatus for recording and reproducing data representing video, data representing sound, and other auxiliary data onto/from a disk medium, a tape medium, or a recording/reproducing apparatus which can effectively perform an editing operation and establish a network connected with an external system, comprising:

a) a recording medium (see Fig.1, and data recording HDD 8) which can be accessed at random and plurality input/output processing means (see Fig.1, SCSI-I/F 7, DVC MOVIE camera 11 including DVC CODEC 10 and DVC/PCI I/F 6 and PCI bus 5) for processing input data including video and/or audio data and outputting and recording them in the recording medium and for processing and outputting data reproduced from the reproducing medium (see col.6, line 63 to col.7, line 6).

Art Unit: 2615

b) a rewritable storage means for storing a first control program which is used for processing by at least one of the plural input/output processing means (see col.7, line 61 to col.8, line 5 and also col.15, lines 40-50), here HDD 8 is the rewritable storage means, and the data processed by the system is stored in the HDD 8 including the control data;

Morioka failed to explicitly disclose interface means for receiving an externally supplied second control program which is used for processing by the at least one of the plural input/output processing means, and rewriting means for rewriting the first control program stored in the storage means into the second control program received by the interface means.

Takahisa discloses broadcasting systems, including a system for transmitting data associated with audio or video program material to provide a listener or viewer with useful information regarding the program material including a transmission means (Fig.1) and a receiving means (Fig.2). The system is for transmitting and receiving audio or video program material, through an interfacing means, to provide a listener or viewer with useful information regarding the program material. The transmitting means generates different data stream depending on the program source and transmits the generated data stream including the data associated with the program material to the receiver (Fig.2). The received data is stored in data memory 205 of Fig.2. With the a user interface apparatus 206 a user of the receiving system 200 to selectively access data stored in data memory 205. The user interface 206 includes a display panel 300 with touch screen capability and four menu button areas 301-304 and a large information window 305. The information window 305 of Fig.3 indicates composer, title, and performer data stored in memory

Art Unit: 2615

205 corresponding to program material contemporaneously being received by the receiving system 200. Menu buttons provides the user the option of requesting another screen with further information about a composer, for example. Furthermore, Fig. 4 shows a display panel 300 after the user has touched the menu button area 301 of Fig.3 to request a screen with more information about the composer. Information window 405 now displays different information than in information window 305. Menu button area is replaced with menu button 401 of Fig. 4 providing the user with capability of returning to the first screen (i.e., the screen of Fig.3) Button area 302 of Fig.3 is replaced with button area 402 providing the user with a further choice of viewing a screen indicating other works by the composer (see col.3, line 52 to col.4, line 30, and col.5, line 54 to col.7, line 17). Here the user can replace a program material displayed on the menu screen with a different menu (control program data) as desired. And the menu is the program material stored in memory 205 corresponding to program material contemporaneously being received by the receiver system 200.

It would have been obvious to modify Morioka by realizing Morioka with interface means to receive externally supplied first and second control information (program material displayed in a program menus) wherein the control programs are stored in rewritable means and wherein the one program material can be replaced with another program material as requested by user, as taught by Takahisa, in order to externally receive control program, for example, and to exchange the received control program with another control program, as desired by the user.

Art Unit: 2615

Regarding claim 6, Morioka discloses wherein the second control program data is recorded in a detachable memory card and the second control program data recorded in the memory card is received by inserting the memory card into the interface means (see floppy disk drive apparatus which is detachable memory means; col.22, lines 59-65).

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claim 4 above, including processing the data which is input/out to/from the input/out processing means based on the second control program.

Regarding claim 15, Morioka discloses the method step wherein the second control program data is recorded in a detachable memory card and the second control program is recorded in the memory card is received in the receiving step (see floppy disk drive (FDD) apparatus which is detachable memory means; col.22, lines 59-65).

Regarding claim 20, Morioka fails to explicitly disclose wherein the setting data is used to set a first one of the input/output processing means to a second one of the input/out processing means. As discussed in claim 4 above, Takahisa teaches wherein a user can replace a program material displayed on the menu screen with a different menu (control program data) as desired. And the menu is the program material stored in memory 205 corresponding to program material contemporaneously being received by the receiver system 200. Similarly, it would have been

Art Unit: 2615

obvious that using a similar principle of replacing a program material displayed on the menu screen with a different menu as desired, setting data (which examiner reads as programming materials) can be used to change the first displayed menu into another displayed menu, as desired.

6. Claims 5&14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morioka et al in view of Takahisa and further in view of Mincy et al (US 6,052,508).

Regarding claim 5, Morioka and Takahisa fail to explicitly wherein the first control program data is input to the interface means through an Ethernet-network.

Mincy et al (US 6,052,508) teach moving picture recording and editing devices and processes, including a device for non-linear recording and editing of digital moving pictures, including a serial I/O controller which may be used to provide either an ETHERNET or RS-422 connection to other computers or other equipment, and memory 104 which is used to store control programs in the operating system for the CPU 102 (see Fig.4, 68K CPU 102 and serial I/O 110, col.8, lines 7-29; and Fig.5, ETHERNET 164, col.10, lines 14-25), here Mincy teaches wherein control program is input through an ETHERNET.

It would have been obvious to input a control program through the Morioka ETHERNET, as taught Mincy, since Mincy has shown wherein control program is input through an ETHERNET means

Art Unit: 2615

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claim 5 above.

7. Claims 2,8,11&17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morioka et al in view of Mincy et al

Regarding claim 2, the claimed limitations of claim 2 are accommodated in the discussions of claim 5 above.

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 5 above.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claim 5 above.

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 5 above.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morioka et al in view of Takahisa and further in view of Bertram (US 6,011,546).

Art Unit: 2615

Regarding claim 19, Morioka and Takahisa fail to explicitly disclose wherein the rewritable storage means is a rewritable flash ROM. Bertram teaches a programming structure for user interfaces, and programs stored in memory devices associated with microcontrollers controlling a display to a user which are constructed in a language which uses layered statements, and a unique connecting character. Bertram further teaches that control programs will be stored in the system RAM or a flash ROM (see col.37, lines 7-22). It would have been obvious to further modify Morioka by adding a flash ROM to Morioka in order to have an alternative storage means for storing control programs, for example.

Conclusion

9. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew Christensen, can be reached on (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

Art Unit: 2615

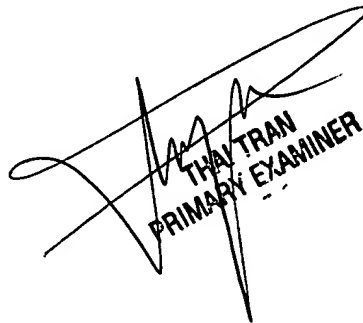
(703) 872-9314, (for formal communications intended for entry)
and (for informal or draft communications, please label "PROPOSED" or
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be
directed to Customer Service whose telephone number is (703) 306-0377.


COO

5/17/03


THAI TRAN
PRIMARY EXAMINER